

REMARKS

Claims 1-16 are now present in this application.

Claims 3, 10 and 13 have been amended, and claims 15 and 16 have been presented.

Reconsideration of the application, as amended, is respectfully requested.

Claims 1, 2, 4, 5, 6 and 9 stand rejected under 35 USC 103 as being unpatentable over Takeuchi et al., U.S. Patent 5,389,571, in view of Nishizawa et al., U.S. Patent 5,338,389. This rejection is respectfully traversed.

Claims 7, 8 and 11-14 stand rejected under 35 USC 103 as being unpatentable over Takeuchi et al. in view of Nishizawa et al. This rejection is respectfully traversed.

Applicants gratefully acknowledge that the Examiner considers claims 3 and 10 to contain allowable subject matter. Claims 3 and 10 have now been rewritten into independent form. As such, these claims should be in condition for allowance. Regarding the remaining claims, it is respectfully submitted that they too should also be in condition for allowance.

The Examiner has alleged that the Nishizawa et al. reference could be utilized to modify the light-emitting device of Takeuchi et al. In particular, Nishizawa et al. is utilized for teaching the use of pulse chemical vapor deposition. However, the Nishizawa et al. reference is from a totally different field of endeavor. It is classified in class 117, whereas the Takeuchi et al. reference is classified in classes 437 and 148. It is questioned whether one working with the gallium nitride based semiconductor device with an aluminum and nitrogen containing intermediate layer of Takeuchi et al., would turn to the method of Nishizawa et al. It is respectfully submitted that it would not be obvious to a skilled artisan to combine the Takeuchi et al. and Nishizawa et al. references. The Takeuchi et al. reference alone would neither suggest

nor render obvious the light-emitting device as recited in the various independent claims of the present invention. The dependent claims further distinguish the present invention.

The Nishizawa et al. reference has also been utilized for teaching two dopants, Mg and Si. The Examiner alleges that the dopant sequence in the process can also be varied. It is again submitted that the Nishizawa et al. teachings would not be utilized by a skilled artisan working with the Takeuchi et al. device. Moreover, the Examiner's allegation that the dopant sequence can be varied is unsupported by the prior art.

It is respectfully submitted that none of the references utilized by the Examiner would either suggest or render obvious the claimed invention. As such, the 35 USC 103 rejection should now be reconsidered and withdrawn.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a three (3) month extension of time for filing a response in connection with the present application and the required fee of \$1,020.00 is attached herewith.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

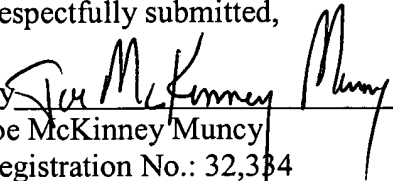
Application No.: 10/626,661

Docket No.: 1794-0157P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 15, 2005

Respectfully submitted,

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